

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES--GENERAL

Case No. SACV 12-1147 R (AJW)

Date: November 15, 2012

Title: Kang-Shen Chen v. Paul Beckman, et al.

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PRESENT: HON. ANDREW J. WISTRICH, MAGISTRATE JUDGE

Ysela Benavides
Deputy Clerk

Court Reporter

ATTORNEYS FOR PETITIONER:
None Present

ATTORNEYS FOR RESPONDENT(S):
None Present

ORDER TO SHOW CAUSE

Plaintiff, proceeding pro se, paid the filing fee and filed this civil rights action on July 13, 2012. A summons was issued on that date. Plaintiff had 120 days - or November 10, 2012 - within which to effect service of process. See Fed. R. Civ. P. 4(m). Plaintiff has not filed proof of service as to any defendant, nor has he requested an extension of time in which to do so.

Rule 4(m) of the Federal Rules of Civil Procedure authorizes dismissal of an action without prejudice where the plaintiff fails to serve the summons and complaint within 120 days after the filing of the complaint and does not show good cause for the failure. See Efaw v. Williams, 473 F.3d 1038, 1041 (9th Cir. 2007); Hason v. Medical Bd. of Calif., 279 F.3d 1167, 1174 (9th Cir. 2002), cert. dismissed, 538 U.S. 958 (2003) ; see also Fed. R. Civ. P. 4(c)(1) ("The plaintiff is responsible for service of a summons and complaint within the time allowed under subdivision (m)...."). The Court also has inherent power to achieve the orderly and expeditious disposition of cases by dismissing actions for failure to prosecute. See Fed. R. Civ. P. 41(b)(authorizing involuntary dismissal "[f]or failure of the plaintiff to prosecute or to comply with these rules or any order of court"); Link v. Wabash R.Co., 370 U.S. 626, 629-630 (1962) (discussing court's power to dismiss an action with prejudice based upon a failure to prosecute).

Plaintiff shall have 14 days within which to show cause why this action should not be dismissed without prejudice for failure to comply with Fed. R. Civ. P. 4(m) and failure to prosecute with diligence.

IT IS SO ORDERED.

cc: Parties
MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk_____